

04 NCAC 24C .0204 is proposed for amendment as follows:

04 NCAC 24C .0204 APPEALS HEARING NOTICE

(a) The Appeals Section shall mail notice of the hearing to each party at least 14 days before the hearing date, unless a party elects to receive correspondence and notices by electronic transmission pursuant to 04 NCAC 24A .0103.

(b) A party who elects to receive correspondence and notices by electronic transmission shall receive an email notification, ~~that the hearing notice, documents, or other information are available for electronic retrieval, along with instructions for retrieval.~~ at least 14 days before the hearing date, indicating that the hearing notice is available on the portal.

(c) Notice of the hearing shall include:

- (1) the determination appealed;
- (2) the appealing party;
- (3) the time of the hearing;
- (4) the date of the hearing;
- (5) if requested at the time of filing the appeal, the physical location of an in-person hearing;
- (6) the telephone number of each party for telephone hearings;
- (7) each issue, with statutory reference, to be heard and decided;
- (8) the name and contact information of the designated Appeals Referee;
- (9) the manner by which witnesses may offer evidence and participate in the hearing;
- (10) each party's right to legal representation;
- (11) instructions for requesting a rescheduling of the hearing;
- (12) each party's right ~~and instructions for requesting to request~~ the issuance of a subpoena for the production of records or for individuals to appear and to testify, as well as instructions for making these requests;
- (13) instructions on how to request an in-person hearing; and
- (14) instructions on how to give evidence at a hearing.

(d) The determination, the written appeal, and any ~~additional~~ documents provided to the Appeals Section with the appeal by either party shall accompany the hearing notice. If a party desires to introduce additional documents or other evidence, e.g., audio or video recordings, photographs, or screenshots, at a hearing, the party shall submit the additional documents or other evidence to the Appeals Referee or hearing officer and to all other parties prior to the hearing in accordance with 04 NCAC 24C .0209(a), (c), and (d).

*History Note: Authority G.S. 96-4; 96-15;
Eff. July 1, 2015;
Amended Eff. September 1, 2017;
Amended Eff. June 1, 2022.*